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DEC 10 2004

OFFICE OF PETITIONS

In re Application of
Feeney et al.
Application No. 09/479,985
Filed: January 10, 2000
Attorney Docket No. P5543

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed March 15, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. §704.

This above-identified application became abandoned for failure to timely file a proper response after the Board of Patent Appeals and Interferences rendered a decision on September 29, 2003. Pursuant to 37 CFR §1.197(b) petitioner could file a single request for rehearing within two (2) months of the original Board decision. Petitioner failed to do so. Accordingly, this application became abandoned on November 30, 2003. A Notice of Abandonment was mailed on January 28, 2004.

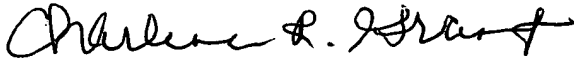
A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the

delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

Petitioner has failed to provide the required reply, in the form of an RCE with the a submission pursuant to 37 CFR 1.114 (c).

It is also noted a review of Office records do not show petitioner was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney and change of correspondence address documentation must be submitted.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema R. Grant

Petitions Attorney

Office of Petitions

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